1

2

3

4

5

6

7

8   UNITED STATES DISTRICT COURT

9   EASTERN DISTRICT OF CALIFORNIA

10

11   KEVIN CURLEY,   **1:20-cv-00453-JLT (PC)**

12   Plaintiff,   **ORDER DIRECTING CLERK OF**
                                               COURT TO ASSIGN DISTRICT JUDGE;
13   v.   **AND**

14   CHIEF DEPUTY WARDEN CLARK, et   **FINDINGS AND RECOMMENDATIONS**
      al.,   **TO DISMISS COMPLAINT WITH**
15   **LEAVE TO AMEND**

                      Defendants.   **(Doc. 1)**
16

17   **FOURTEEN-DAY DEADLINE**

18   On November 3, 2020, the Court screened plaintiff's complaint and found it to be devoid of

19   a cognizable claim. (Doc. 8.) The Court directed Plaintiff to file a first amended complaint curing

20   the deficiencies identified by the Court in the order, a notice of voluntary dismissal, or a notice of

21   election to stand on the complaint. Plaintiff has now filed two responses, which the Court construes

22   as a notice of election to stand on the complaint. (Docs. 9-10.) Accordingly, the Court **ORDERS**:

23   1.   The Clerk of Court to assign a district judge to this case; and

24   2.   The Court **RECOMMENDS** that the complaint be dismissed with leave to amend.

25   These Findings and Recommendations will be submitted to the United States District Judge

26   assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(l). Within fourteen days

27   after being served with these Findings and Recommendations, the parties may file written objections

28

                                               1

1   with the Court. The document should be captioned "Objections to Magistrate Judge's Findings and

2   Recommendations." The parties are advised that failure to file objections within the specified time

3   may result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir.

4   2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

5

6   IT IS SO ORDERED.

7   Dated: **December 4, 2020**   **/s/ Jennifer L. Thurston**
                                                    UNITED STATES MAGISTRATE JUDGE

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28